

Article - Education

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§9–104.

(a) (1) An application to establish a public charter school shall be submitted to the county board of the county in which the public charter school will be located.

(2) An application to establish a public charter school may be submitted to a county board by:

- (i) The staff of a public school;
- (ii) A parent or guardian of a student who attends a public school in the county;
- (iii) A nonsectarian nonprofit entity;
- (iv) A nonsectarian institution of higher education in the State;

or

(v) Any combination of persons specified in items (i) through (iv) of this paragraph.

(3) An application shall include:

(i) A plan to provide a rigorous program of instruction that includes an equivalent method for satisfying any requirements from which the public charter school operator intends to seek a waiver under § 9–106 of this title; and

(ii) A description of how a weighted lottery or the provision of guaranteed placement will be implemented under §§ 9–102.2 and 9–102.3 of this title.

(4) A public chartering authority may not grant a charter under this title to:

- (i) A private school;
- (ii) A parochial school;
- (iii) A home school; or

(iv) A school that operates fully online.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, the county board shall review the application and render a decision within 120 days of receipt of the application and in accordance with the application procedures adopted by the county board.

(ii) For a restructured school:

1. The county board shall review the application and render a decision within 30 days of receipt of the application;

2. The county board may apply to the State Board for an extension of up to 15 days from the time limit imposed under item 1 of this subparagraph;

3. If an extension is not granted, and 30 days have elapsed, the decision may be appealed to the State Board in accordance with § 4–205(c) of this article; and

4. If an extension has been granted, and 45 days have elapsed, the decision may be appealed to the State Board in accordance with § 4–205(c) of this article.

(6) (i) A public chartering authority may approve an application to operate a public charter school on a contingent basis subject to the conditions of subparagraph (ii) of this paragraph.

(ii) The contingent approval granted under subparagraph (i) of this paragraph may be contingent on:

1. A public charter school's ability to meet any timelines established by the public chartering authority for the securing of a facility; and

2. Final approval by the public chartering authority regarding the suitability of the facility secured by the public charter school.

(b) (1) If an application to establish a public charter school includes a description of the implementation of a weighted lottery that gives priority to students in a specific geographic attendance area in accordance with § 9–102.2 or § 9–102.3 of this title, the public chartering authority may approve or reject this provision separately from the application as a whole.

(2) A decision of a public chartering authority under paragraph (1) of this subsection may not be appealed to the State Board.

(c) (1) An application to establish a public charter school may include a staffing model, including provisions for staff recruitment, training, evaluation, and professional development.

(2) A public charter school may submit a staffing model as provided in paragraph (1) of this subsection with a renewal application or with an amendment to an existing charter.

(d) (1) If the county board denies an application to establish a public charter school, the applicant may appeal the decision to the State Board, in accordance with § 4–205(c) of this article.

(2) The State Board shall render a decision within 120 days of the filing of an appeal under this subsection.

(3) If the county board denies an application to establish a public charter school and the State Board reverses the decision, the State Board shall remand the matter to the county board and may direct the county board to grant a charter and may, if necessary, mediate with the county board and the applicant to implement the charter.

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